

REMARKS

In this application, claims 33-35, 38, 42-59, 119-132, 137-142, and 144-171 are pending. Claims 119-132 and 144-171 are under examination; the remaining claims stand withdrawn as drawn to non-elected subject matter.

First, the Applicants thank the Examiner for discussing this application with their representatives on May 24, 2005. With this amendment, Applicants amend claims 119, 144, 153-158, 165, and 171 and add new claims 172 and 173 to more particularly set forth the scope of the claimed subject matter. New claim 172 recites a specific embodiment, and it is supported at page 9, lines 22-24, page 17, line 26 to page 18, line 2, and at page 24, lines 11-12, for example. New claim 173 is supported at page 16, lines 22-24, for example. Additionally, exemplary support for the amendments to claims 119, 144, 165, and 171 may be found at page 8, lines 3-23.

35 U.S.C. § 112(2)

In the pending Office Action, the Examiner has rejected claims 119-132 and 144-171 as allegedly indefinite, alleging that the phrase "biologically active" is unclear. Without acquiescing to the grounds for rejection, Applicants delete the phrase "biologically active" from claims 119, 144, 153-158, and 165 with this Amendment, as reflected in the enclosed claims. Additionally, to clarify that propeptides that inhibit a GDF-8 activity are within the scope of the claims. Applicants amend claims 119, 144, 165 and 171 to list GDF-8 activities that are described, for example, at page 8, lines 3-23. Exemplary assays to ascertain GDF-8 activity are set forth throughout the specification and in Examples 3-7, 9 and 10, for example. Applicants therefore submit that the amended claims are not indefinite.

35 U.S.C. § 102 and 103

The Examiner also rejects claims 144-159 as allegedly not novel over WO 00/43781, and claims 160-164 as allegedly obvious over WO 00/43781 in view of U.S. Patent No. 5,723,125. The Examiner identifies a typographical error in claim 144, stating that it allegedly causes the claims to encompass fragments that do not have a mutation in the amino acid sequence at the residue corresponding to position 76 of SEQ ID NO:5. In response, Applicants amend claim 144 to replace "sequence of (a)" with "sequence of (i)" to clarify that the claims encompass fragments of the GDF-8 propeptide that have a mutation. Accordingly, Applicants submit that the anticipation and obviousness rejections are overcome.

Conclusion

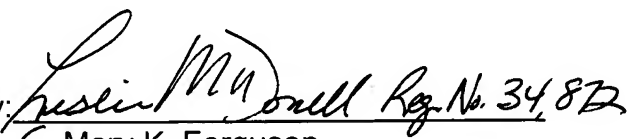
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Applicants believe that any extension of time required to enter this reply is accounted for in the accompanying Petition. However, in the event of an error, please grant any additional extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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